

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

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AARON COHEN, on behalf of himself and
All others similarly situated

No. 7:15-cv-07124-NSR-PED

Plaintiff(s),

- against -

DITECH FINANCIAL LLC formerly known
as GREEN TREE SERVICING LLC, a foreign
limited liability company; and SAFEGUARD
PROPERTIES, LLC, a foreign limited liability
company,

Defendant(s).
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AMENDED CIVIL CASE DISCOVERY PLAN AND SCHEDULING ORDER

Plaintiff Aaron Cohen ("Plaintiff"), on behalf of himself and all others similarly situated, and Defendant Ditech Financial LLC f/k/a Green Tree Servicing LLC ("Ditech") and Defendant Safeguard Properties, LLC ("Safeguard") by their undersigned counsel and pursuant to the Order of this Court on March 22, 2017, hereby submit this Amended Civil Case Discovery Plan and Scheduling Order.

1. All parties *do not consent* to conducting all further proceedings before a Magistrate Judge, including motions and trial, pursuant to 28 U.S.C. § 636(c).
2. The parties dispute whether a jury trial is appropriate. Specifically, Plaintiff demanded a jury trial, while Ditech has raised an affirmative defense asserting that the underlying mortgage contained a jury trial waiver that encompassed the claim raised in this lawsuit.
3. Joinder of additional parties must be accomplished by June 22, 2017.
4. Amended pleadings may be filed until June 22, 2017.
5. Interrogatories shall be served no later than April 22, 2017, and responses thereto shall be served within thirty (30) days thereafter. The provisions of Local Civil Rule 33.3 shall not apply to this case.

6. First request for production of documents, if any, shall be served no later than April 22, 2017.
7. Non-expert depositions shall be completed by ____ September 29, 2017 ____.
8. Any further interrogatories, including expert interrogatories and request for production of documents, shall be served no later than ____ August 29, 2017 ____.
9. Requests to Admit, if any, shall be served no later than August 29, 2017
10. Expert reports shall be served no later than ____ September 29, 2017 ____.
11. Rebuttal expert reports shall be served no later than ____ September 29, 2017 ____.
12. Expert depositions shall be completed by ____ September 29, 2017 ____.
13. Additional provisions agreed upon by counsel are attached hereto and made a part hereof.
14. ALL DISCOVERY SHALL BE COMPLETED BY September 29, 2017.
15. Plaintiff's Motion for class certification shall be filed on or before September 8, 2017.
16. The commencement of dispositive motions by filing pre-motion letters shall be commenced on or before October 6, 2017.
17. Any motions shall be filed in accordance with the Court's Individual Practices.
18. This Civil Case Discovery Plan and Scheduling Order may not be changed without leave of Court (or the assigned Magistrate Judge acting under a specific order of reference).
19. The Magistrate Judge assigned to this case is the Hon. Paul E. Davison.
20. If, after entry of this Order, the parties consent to trial before a Magistrate Judge, the Magistrate Judge will schedule a date certain for trial and will, if necessary, amend this Order consistent therewith.
21. The next telephonic case management conference is scheduled for May 22, 2017 at 10:00 a.m. with the Hon. Paul E. Davison.

SO ORDERED.

Dated: April 4, 2017
White Plains, New York



~~Nelson S. Román, U.S. District Judge~~

MAG. JUDGE DAVISON